

Judge Pechman

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CO;
AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO
TSA LOCAL 1121; COMMUNICATIONS
WORKERS OF AMERICA, AFL-CIO; and
ASSOCIATION OF FLIGHT ATTENDANTS-
CWA, AFL-CIO,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security; ADAM
STAHL, in his official capacity as the Senior
Official Performing the Duties of the
Administrator of the Transportation Security
Administration; and TRANSPORTATION
SECURITY ADMINISTRATION,

Defendants.

CASE NO. C25-0451MJP

**DECLARATION OF ANTHONY
VINCENZO**

I, ANTHONY VINCENZO, declare as follows:

1. I am employed by the Transportation Security Administration (“TSA”), a component agency of the U.S. Department of Homeland Security, as a Branch Manager in the Office of Human Capital’s National Resolution Center (NRC). TSA’s NRC provides and supports alternative dispute

1 resolution services, TSA's anti-harassment program, and its administrative grievance procedures. I
2 have served in this position since May of 2024.

3 2. In my role as Branch Manager for NRC, I am responsible for supervising the
4 processing of employment-related grievances submitted by TSA employees pursuant to applicable
5 agency policies.

6 3. On February 27, 2025, the Secretary of Homeland Security issued a determination
7 (the "Noem Determination") directing TSA to act within 90 days to terminate, "to the extent
8 permitted by law, . . . any pending grievances previously filed by a union on behalf of an employee
9 carrying out screening functions under the negotiated grievance procedure" set forth in a collective
10 bargaining agreement ("CBA") signed in May 2024. The Noem Determination further stated that
11 "[a]lternative procedures may be considered as appropriate."

12 4. On March 11, 2025, TSA issued Human Capital Advisory Memo 2025.1100 (HCAM
13 2025.1100), "as an interim measure to provide TSA policy implementing" the Noem Determination.
14 Among the various changes and modifications to TSA internal policies effectuated by HCAM
15 2025.1100, it stated that "[a]ll pending grievances filed by AFGE will be terminated consistent with
16 the [Noem Determination," and that grievance arbitration was ending, but that TSA's Human Capital
17 Management Policy (HCM) No. 771-4, *National Resolution Center* (Dec. 30, 2022), would continue
18 to apply to employees previously covered by the CBA. *Id.* at 2. A true and correct copy of the
19 Memo is filed together with this Declaration as Exhibit 1.

20 5. As an "alternative procedure" contemplated by the Noem Determination, TSA
21 provided every employee with a pending grievance filed by AFGE under CBA grievance procedures
22 with notice of an option to request review of that pending grievance pursuant to TSA's internal
23 administrative grievance process administered by NRC under HCM 771-4. A true and correct copy
24 of HCM 771-4 is filed together with this Declaration as Exhibit 2.

25 6. As of March 11, 2025, there were 199 pending grievances that had been filed under
26 CBA grievance procedures.

27 7. During the period from March 19, 2025 to April 15, 2025, TSA sent a notice via
28 email addressing each of the 199 pending grievance. The notice explained that as a result of the

1 Noem Determination, TSA can no longer process grievances “via the procedures detailed in the
2 CBA.” The notice further explained that “certain grievances that were filed under the CBA and
3 were pending as of March 11, 2025, may be eligible for review under the administrative grievance
4 process.” The notice specified that grievances “involving the following issues may be eligible for
5 review: a disciplinary action, and/or a workplace dispute, including an alleged violation or
6 misapplication of TSA policy related to employment.” The notice also specified that “grievances
7 solely alleging violations of the rescinded CBA and/or the 2022 Determination [regarding collective
8 bargaining]” and/or “grievances that were filed by AFGE on behalf of AFGE/an AFGE
9 representative” are not eligible for review under the administrative grievance process and are
10 considered closed. A true and correct copy of the notice emailed to employees is filed together with
11 this Declaration as Exhibit 3.

12 8. As specified in the notice, an employee with a pending grievance involving one or
13 more issues that may be eligible for review under the “alternative procedure” could request such
14 review simply by replying to the notice email “with this statement (or similar language): ‘I wish to
15 have this grievance reviewed through the administrative grievance process, as detailed in HCM 771-
16 4.’” That streamlined option for requesting review excused employees with pending grievances
17 under the CBA from having to submit a standard form that would otherwise be required to initiate
18 the administrative grievance process under HCM 771-4. The notice stated that employees had
19 fifteen days from the date the email was sent to request review, with an extension of the deadline
20 possible upon a showing of extenuating circumstances.

21 9. The notice also specified that a “grievant may have a personal representative in the
22 grievance process consistent with TSA [Management Directive] 1100.63, *Employee Representation*,
23 provided a completed TSA Form 1163-1, *Personal Representative Designation*, is submitted.”
24 Under the referenced management directive, an employee may choose as his or her personal
25 representative an individual affiliated with AFGE. Accordingly, if an employee initiated a grievance
26 under the CBA via a personal representative affiliated with AFGE and then elected to request review
27 of that pending grievance under the administrative grievance process set forth in HCM 771-4, the
28 employee could continue to be represented by the same personal representative.

1 10. As of April 24, 2025, 33 employees who had pending grievances under the CBA have
2 requested review of those grievances under the administrative grievance process set forth in HCM
3 771-4.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on this 25th day of April 2025, in Springfield, Virginia.

6 ANTHONY F. Digitally signed by
7 VINCENZO ANTHONY F VINCENZO
8 Date: 2025.04.25
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10 ANTHONY VINCENZO